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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,072	01/23/2004	Paul Scheb JR.	SCH1.001	8004
39863	7590	08/19/2005	EXAMINER	
SONNABENDLAW 600 PROSPECT AVE BROOKLYN, NY 11215			LAYNO, BENJAMIN	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,072

Applicant(s)

SCHEB ET AL.

Examiner

Benjamin H. Layno

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-23-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 17, 20, 21, 36, 39, 40 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones.

The patent to Jones discloses a method of playing a game of chance using three dice 10-12. The game comprises a wager area 14 for accepting wagers. The wager areas having a set of wagers on the outcome of a plurality of differentiable random events. The differentiable random events include a first random event (outcome of the roll of one die), a second random event (outcome of the roll of two dice), and a third random event (outcome of the roll of three dice). The set of wagers including a plurality of wagering groups. The wager groups include a first group comprises single wager 24 (outcome of one die), double wager 20 (outcome of two dice) and trifecta wager 34-39 (outcome of three dice), and a second wager group comprising wagers on an aggregate event 40-53 (sum of three dice), an over-under wager 28-32 (Hi-Lo) and all odd wagers 54, all even wager 56. Payout odds are associated with each wager. To play Jones game a player places at least one wager in the set of wagers, the three dice are rolled to for generating the first, second and third random events. Winning players are paid according to payout odds.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-16, 18, 19, 22-35, 37, 38, 41-54, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claim 1 above, and further in view of Timmons, Sr.

The patent to Timmons discloses a method of playing a game of chance using four dice, Fig. 2. Timmons comprises a wagering group that includes fourth random event (outcome of the roll of four dice). Timmons includes wagering groups comprising four deuces "Specific 4 Of A Kind", "Any 4 Of A Kind", triple threes "Any 3 Of A Kind", "Straight", "Any 2 Pair", "5 or 23", "6 or 22" ..., "Any Roll Of 6 to 13", "Any Roll Of 15 to 22", etc.

In view of such teaching, it would have been obvious to modify Jones dice game to include a fourth dice to provide a fourth random event (outcome of the roll of four dice). Additional wagering areas such as: four deuces "Specific 4 Of A Kind", "Any 4 Of A Kind", triple threes "Any 3 Of A Kind", "Straight", "Any 2 Pair", "5 or 23", "6 or 22" ..., "Any Roll Of 6 to 13", "Any Roll Of 15 to 22", etc. would have been included in Jones' set of wagers. This modification would have added more wagering opportunities to Jones' dice game, giving players the perception of having an increased chance at winning. All possible outcomes resulting from the roll of four dice is numerous. Thus,

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determining exactly what wagering area to include in Jones' dice game e.g. "4 or 24", "5 or 22", "Any Results Over 20", "Any Results Under 10", "Any Roll Of 6 to 13", "Any Roll Of 15 to 22", "Big 6", etc. is a casino business decision, which is always obvious in the art.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9, 11, 14, 16, 28, 30, 33, 35, 47, 49, 52 and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

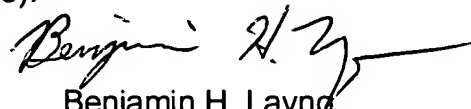
The recitations "over-under" wager, "four deuces", "aces over any pair", any three of a kind", "any four of a kind", "4 or 24", "triple threes", "big 6", ...etc. all suggest that the first, second, third and fourth random events have numerical or hierarchical value. However, there is no positive recitation in the claims that the first, second, third and fourth random events numerical or hierarchical value.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571)272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin H. Layno
Primary Examiner
Art Unit 3711

bhl